

Court No. - 2

Case :- WRIT - C No. - 5672 of 2024

Petitioner :- M/S Maa Sharda Traders Thru. Its Proprietor Mr. Ajay Kumar Tiwari And Another

Respondent :- District Magistrate , Pratapgarh And Others

Counsel for Petitioner :- Anand Kumar, Manuvendra Singh

Counsel for Respondent :- C.S.C., Prashant Kumar Srivastava

Hon'ble Alok Mathur, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri Anand Kumar, learned counsel for petitioners as well as learned Standing Counsel for respondent Nos. 1 & 4 and Sri Ankit Barnwal, Advocate holding brief of Sri Prashant Kumar Srivastava, learned counsel for respondent Nos. 2 & 3.

2. By means of present writ petition, the petitioner has challenged the order 12.06.2024 passed by Nayab Tahsidar, Tahsil Kunda, District Pratapgarh in compliance of order dated 23.10.2020 and amended order dated 18.12.2020 passed by District Magistrate Pratapgarh in exercise of powers under Section 14 of the SARFAESI Act 2002 where orders have been passed by the District Magistrate to take possession of the secured assets which are in possession of the petitioner.

3. A preliminary objection has been raised by learned counsel for respondents stating that petitioners have an equally efficacious remedy of filing an application under Section 17 of SARFAESI Act, 2002.

4. At this stage, learned counsel for petitioners does not dispute the aforesaid submission and submits that they may be permitted to withdraw this writ petition with liberty to approach Debt Recovery Tribunal for redressal of their grievances as raised in the present writ petition.

5. Accordingly, considering the fact that petitioners have an equally efficacious remedy of filing an application under SARFAESI Act, the writ petition is **dismissed** on the ground of alternative remedy. It is provided that in case the said application is filed within two weeks from today, the Debt Recovery Tribunal shall proceed to consider and decide the same expeditiously

(Arun Kumar Singh Deshwal, J.)

(Alok Mathur, J.)

Order Date :- 28.6.2024

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